IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3884 of 2005

Between:

M/s. Sreenivasa Mahal, Nambur, Guntur District, represented by its Proprietrix Bhimavarapu Satyavathi,
W/O Sambireddy R/o. Kannavarithota,
6th Line, Guntur, Guntur District.

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner, Krishnanagar,
Guntur.
2 The Recovery Officer, Employees Provident Fund, S.R.O.,
Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction or a writ more particularly a writ in the nature of Certiorari to call for the records and to quash the proceedings No. AP/13753/SRO/GNT/Rec.GNT/Rc.No. 160/ 04/ 339 dated 4-2-2005 issued by the 2nd respondent herein by declaring the same as illegal, void and without jurisdiction.

Counsel for the Petitioner:MR.G.DHARMA RAO

Counsel for the Respondent Nos.1 and 2: MR.R.N.REDDY

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed against the order dated 04.02.2005 passed by the second respondent-Recovery Officer, Employees Provident Fund, S.R.O., Guntur, whereunder a warrant of attachment of movable property of the petitioner was issued for non-payment of the amounts due as per the Recovery Certificate – PDRC.No.160/2004, dated 21-02-2004 issued under the provisions of Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short "the Act").

Sri.R.N.Reddy, the learned Standing Counsel appearing for the respondents states that the impugned warrant of attachment was issued in pursuance of the order dated 13-06-2003 passed by the respondents under Section 14-B of the Act and since against the said order an alternative remedy, by way of appeal, is available under Section
7-I of the Act, without exhausting the said remedy, the petitioner cannot maintain this writ petition.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the said order within a period of four weeks from today. If any appeal is preferred within the said period, the same shall be entertained and appropriate orders be passed in accordance with law. In the meanwhile, the respondents are directed not to take any coercive steps against the petitioner and not to enforce the

impugned warrant of attachment for a period of six weeks from today.

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01.03.2005

Note : Issue operative portion by
wire at party’s cost.

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To

1 The Regional Provident Fund Commissioner, Krishnanagar, Guntur.
2 The Recovery Officer, Employees Provident Fund, S.R.O., Guntur, Guntur District.

3 Two C.D.copies.